

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JILL ALTMAN, Individually and on
behalf of a class,

Plaintiff,

v.

WHITE HOUSE BLACK MARKET,
INC., and DOES 1-10,

Defendants.

Civil Action No. 1:15-cv-02451-SCJ-
CMS

JOINT MOTION TO AMEND SCHEDULING ORDER

COME NOW Plaintiff, Jill Altman (“Plaintiff”), and Defendant, White House Black Market, Inc. (“WHBM”) (collectively, the “Movants”), pursuant Fed. R. Civ. P. 6(b) and 16(b)(4), and move the Court to amend the scheduling order in this action. As grounds for this motion, Movants state as follows:

1. The Court denied WHBM's motion to dismiss on July 17, 2016. (Doc. 28.) WHBM has moved the Court to certify an interlocutory appeal from the denial of that motion (Doc. 30); that motion to certify an interlocutory appeal is still pending.

2. WHBM filed its answer on August 1, 2016. (Doc. 29.)

3. Pursuant to the scheduling order entered on November 25, 2015 (Doc. 19), Plaintiff's motion for class certification is due 90 days after the filing of the answer. Based on the August 1, 2016 answer date, the deadline to file that motion is currently October 31, 2016.

4. Pursuant to the scheduling order, the period for fact discovery commences thirty days after the filing of the answer and ends eight months later. Based on the August 1, 2016 answer date, the close of fact discovery is currently April 3, 2017.

5. On August 17, 2016, Plaintiff served interrogatories, requests for admission and document requests on WHBM seeking, *inter alia*, information to use in her class certification motion.

5. WHBM has represented that it is working to respond to those requests and contemplates serving responses to the discovery requests in late October.

6. Good cause therefore exists to extend the deadlines to move for class certification and to complete discovery to enable the parties time to complete discovery regarding class certification prior to briefing the issue.

WHEREFORE, the Movants respectfully pray that the Court enter an Order amending the existing scheduling order as follows:

a. Plaintiff's deadline to move for class certification shall be moved to January 31, 2017.

b. WHBM's deadline to oppose class certification shall be moved to March 2, 2017.

c. Plaintiff's deadline to file her reply in support of class certification shall be moved to March 23, 2017.

d. The deadline to complete fact discovery shall be moved to June 30, 2017.

e. The deadline to hold a settlement conference shall be moved to July 14, 2017.

f. The deadline to file motions for summary judgment shall be moved to July 31, 2017.

g. The deadline to file briefs in opposition to any motion for summary judgment shall be moved to August 30, 2017.

h. The deadline to file reply briefs in further support of any motion for summary judgment shall be moved to September 20, 2017.

The proposed adjusted deadlines represent a 90-day extension of the current deadlines in this action and is the first proposed extension of deadlines in this case. To the extent the Court has any questions or concerns regarding the proposed amendments to the schedule, the Movants propose a conference to discuss the amendments and the rationale for them.

Respectfully submitted,

/s/ Shimshon Wexler (Bar No. 436163)
The Law Offices of Shimshon Wexler,
PC
315 W. Ponce de Leon Ave. Suite 250
Decatur, GA 30030
212-760-2400
Email: swexleresq@gmail.com

Bryant T. Lamer (admitted Pro Hac
Vice)
Spencer Fane Britt & Browne LLP
1000 Walnut Street, Suite 1400
Kansas City, MO 64106
Telephone: (816) 474-8100
Fax: (816) 474-3216
blamer@spencerfane.com

Attorneys for Plaintiff

/s/ Barry Goheen

Barry Goheen (Ga. Bar No. 299203)

J. Anthony Love (Ga. Bar No. 459155)

King & Spalding LLP

1180 Peachtree Street N.E.

Atlanta, GA 30309-3521

Telephone: (404) 572-4600

Fax: (404) 572-5100

Email: bgoheen@kslaw.com

tlove@kslaw.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which electronically delivered a copy to the parties listed below.

Barry Goheen
John Anthony Love
King & Spalding
1180 Peachtree Street, N.E.
Atlanta, GA 30309-3521
404-572-4600
Fax: 404-572-4618
bgoheen@kslaw.com
tlove@kslaw.com

/s/ Shimshon Wexler
An Attorney for Plaintiff

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1D

Pursuant to Local Rule 7.1D, the undersigned counsel certifies that this document has been prepared using 14 Times New Roman point font.

By: /s Shimshon Wexler
Shimshon Wexler